

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-40017
Conference Calendar

TIMOTHY PAUL MARTIN,

Plaintiff-Appellant,

versus

BILL CLINTON, PRESIDENT OF THE UNITED STATES,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-98-CV-316

October 20, 1999

Before JONES, WIENER, and STEWART, Circuit Judges.

PER CURIAM:*

Timothy Paul Martin, Texas state prisoner #566302, appeals from the district court's dismissal of his civil rights complaint as frivolous. Martin argues that the "three strikes" provision of the Prison Litigation Reform Act, 28 U.S.C. § 1915(g), is unconstitutional. We have reviewed the record and find no reversible error. This court has already considered and upheld the constitutionality of § 1915(g). See Carson v. Johnson, 112

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

F.3d 818, 821-22 (5th Cir. 1997). The appeal is without arguable

merit and thus frivolous. Because the appeal is frivolous, it is

DISMISSED. See 5th Cir. R. 42.2.

APPEAL DISMISSED.